

REMARKS

The Office Action has been carefully reviewed in light of the cited references and the Examiner's comments, and accordingly, applicants are enclosing a Terminal Disclaimer executed by the undersigned attorney and which should overcome the rejection based upon double patenting over the claim in applicants' Patent No. D476,275. Applicants are also replacing originally filed claims 1-18 with new claims 19-24 to distinguish applicants' caliper brake cover more clearly over the references and to place these claims in condition for allowance.

In reference to new claim 19, applicants' caliper brake cover (60) is in combination with a caliper brake housing (36) supporting a set of brake pads (42) on opposite sides of the rotor disc (48) and disposed in back of a decorative motor vehicle wheel (20) having circumferentially spaced openings (22, 24), the cover comprising a rigid non-rotating body including a substantially vertical and flat front wall (62) and a laterally extending and arcuate outer rim wall (64) rigidly connected to the front wall, a rigid support (66, 68 and 72) for the cover and positioning the cover with the front wall extending radially inwardly between the wheel and the caliper brake housing and covering the housing and the brake pads, the front wall and the outer rim wall having opposite ends terminating generally adjacent opposite corresponding ends of the brake housing, the support positioning the outer rim wall (64) extending around the brake housing (36) with the rim wall and front wall providing a clean and smooth appearance of the caliper brake housing when viewed through the openings (22, 24) in the wheel, and the front wall (62) and the rim wall (64) cooperating to reduce the collection of brake dust on the wheel (20) and within the openings while permitting a flow of cooling air through the openings and between the cover and the caliper brake housing and between the opposite ends of the front wall and rim wall in response to rotation of the rotor disc between the brake pads.

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Applicants have carefully reviewed the cited references, and especially the disclosures of Swift '328 and Herffurth '821, and are unable to find any disclosure or teaching in the references of the structure of applicants' caliper brake cover set as set forth in above new claim 19 and providing the above advantages which are emphasized on page 4 of the above application. For example, the annular covers disclosed in Bottieri '667, Dean '569 and Yoshida '606 rotate with the wheel, and there is no suggestion of applicants' caliper brake cover as set forth above in new claim 19. With respect to Swift '328, the dust cover plate 108 does not cover the caliper brake housing 38 or the annular yoke plates 77 or the brake pads and shoes 88. Moreover, the wheel has no openings for cooling air and which would expose the caliper brake assembly.

In reference to Herffurth '821, the annular brake protector 40 is primarily designed for commercial vehicles to avoid gravel and other loose material from entering the annular interior space 51 so that the granular material flows outwardly through the wheel rim openings 16. There is also no suggestion or teaching in this reference of applicants' caliper brake cover as set forth in new claim 19. Moreover, neither Swift '328 nor Herffurth '821 even recognized the appearance problem which applicants' caliper brake cover solves in addition to reducing the collection of brake dust on the wheel and providing for the flow of cooling air between the brake cover and the caliper housing from one end of the cover to the opposite end of the cover. The above comments also apply to new claims 20-24 which depend from new claim 19 and further define the structure of applicants' caliper brake cover.

In view of the foregoing and the enclosed Terminal Disclaimer, applicants believe that new claim 19 and the claims dependent therefrom define a caliper brake cover and combination which is clearly distinguished from the references.

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Accordingly, applicants believe that these claims are in condition for allowance and respectfully request that this application be passed to issue. Applicants are also enclosing a Petition for a one month extension of time along with the Terminal Disclaimer.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

A handwritten signature in cursive script, appearing to read "Alan Meckstroth".

Alan F. Meckstroth

Reg. No. 22,607

AFM:pm
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